

1       **Rule 11. Signing of pleadings, motions, affidavits, and other papers; representations to court;**  
2 **sanctions.**

3       **(a) Signature.**

4           (a)(1) Every pleading, written motion, and other paper ~~shall~~must be signed by at least one  
5 attorney of record, or, if the party is not represented, by the party.

6           (a)(2) A person may sign a paper using any form of signature recognized by law as binding.  
7 Unless required by statute, a paper need not be accompanied by affidavit or have a notarized,  
8 verified or acknowledged signature. If a rule requires an affidavit or a notarized, verified or  
9 acknowledged signature, the person may submit a declaration pursuant to Utah Code Section  
10 [78B-5-705](#). ~~If a statute requires an affidavit or a paper with a~~ notarized, verified or acknowledged  
11 signature ~~and is filed, the party electronically files the paper, the signature shall be notarized pursuant~~  
12 ~~to Utah Code Section 46-1-16~~ must comply with Rule 5(f).

13           (a)(3) An unsigned paper ~~shall~~will be stricken unless omission of the signature is corrected  
14 promptly after being called to the attention of the attorney or party.

15       **(b) Representations to court.** By presenting a pleading, written motion, or other paper to the court  
16 (whether by signing, filing, submitting, or advocating), an attorney or unrepresented party is certifying that  
17 to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under  
18 the circumstances,

19           (b)(1) it is not being presented for any improper purpose, such as to harass or to cause  
20 unnecessary delay or needless increase in the cost of litigation;

21           (b)(2) the claims, defenses, and other legal contentions are warranted by existing law or by a  
22 nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment  
23 of new law;

24           (b)(3) the allegations and other factual contentions have evidentiary support or, if specifically so  
25 identified, are likely to have evidentiary support after a reasonable opportunity for further investigation  
26 or discovery; and

27           (b)(4) the denials of factual contentions are warranted on the evidence or, if specifically so  
28 identified, are reasonably based on a lack of information or belief.

29       **(c) Sanctions.** If, after notice and a reasonable opportunity to respond, the court determines that  
30 ~~subdivision paragraph (b)~~ has been violated, the court may, subject to the conditions stated below,  
31 impose an appropriate sanction upon the attorneys, law firms, or parties that have violated ~~subdivision~~  
32 paragraph (b) or are responsible for the violation.

33       **(c)(1) How initiated.**

34           **(c)(1)(A) By motion.** A motion for sanctions under this rule ~~shall~~must be made separately  
35 from other motions or requests and ~~shall~~must describe the specific conduct alleged to violate  
36 ~~subdivision paragraph (b)~~. It ~~shall~~must be served as provided in Rule [5](#), but ~~shall~~may not be filed  
37 with or presented to the court unless, within 21 days after service of the motion (or such other

38 period as the court may prescribe), the challenged paper, claim, defense, contention, allegation,  
39 or denial is not withdrawn or appropriately corrected. If warranted, the court may award to the  
40 party prevailing on the motion the reasonable expenses and attorney fees incurred in presenting  
41 or opposing the motion. In appropriate circumstances, a law firm may be held jointly responsible  
42 for violations committed by its partners, members, and employees.

43 **(c)(1)(B) On court's initiative.** On its own initiative, the court may enter an order describing  
44 the specific conduct that appears to violate ~~subdivision-paragraph (b)~~ and directing an attorney,  
45 law firm, or party to show cause why it has not violated ~~subdivision-paragraph (b)~~ with respect  
46 thereto.

47 **(c)(2) Nature of sanction; limitations.** A sanction imposed for violation of this rule ~~shall~~must be  
48 limited to what is sufficient to deter repetition of such conduct or comparable conduct by others  
49 similarly situated. Subject to the limitations in ~~sub~~paragraphs (c)(2)(A) and (c)(2)(B), the sanction may  
50 consist of, or include, directives of a nonmonetary nature, an order to pay a penalty into court, or, if  
51 imposed on motion and warranted for effective deterrence, an order directing payment to the movant  
52 of some or all of the reasonable attorney fees and other expenses incurred as a direct result of the  
53 violation.

54 (c)(2)(A) Monetary sanctions may not be awarded against a represented party for a violation  
55 of ~~subdivision-paragraph (b)(2)~~.

56 (c)(2)(B) Monetary sanctions may not be awarded on the court's initiative unless the court  
57 issues its order to show cause before a voluntary dismissal or settlement of the claims made by  
58 or against the party which is, or whose attorneys are, to be sanctioned.

59 **(c)(3) Order.** When imposing sanctions, the court ~~shall~~will describe the conduct determined to  
60 constitute a violation of this rule and explain the basis for the sanction imposed.

61 [Advisory Committee Notes](#)

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